

MANISTEE CITY PLANNING COMMISSION

Meeting of Thursday, March 4, 2010
7:00 p.m. - Council Chambers, City Hall, 70 Maple Street,
Manistee, Michigan

AGENDA

I Call to Order

II Roll Call

III Approval of Agenda

At this time the Planing Commission can take action to approve the March 4, 2010 Agenda.

IV Approval of Minutes

At this time Planning Commission can take action to approve the February 4, 2010 meeting Minutes.

V Public Hearing

Proposed Ordinance Amendment Z10-01: Changes Duplex from a Permitted Use to a Special Use in the R-2 Medium Density Residential District, R-3 High Density Residential District and WF Waterfront Zoning District:

Article 7: Districts, Dimensional Standards Uses Table and Zoning Map

Table 7-2 Uses Permitted by Right and Special Land Use Permit, CHANGE Duplex from R - Use by Right to SLU - Use Permitted as Special Land Use, in the R-2, R-3 and WF Districts

Article 9: R-2 Medium Density Residential

Section 900 Purpose and Intent, CHANGE Duplex from Permitted Uses to Special Uses;

Section 901 Uses Permitted by Right, DELETE Item C;

Section 902 Uses Permitted by Special Land Use Permit, ADD Item H

Article 10: R-3 High Density Residential

Section 1000 Purpose and Intent, CHANGE Duplex from Permitted Uses to Special Uses;

Section 1001 Uses Permitted by Right, DELETE Item D;

Section 902 Uses Permitted by Special Land Use Permit, ADD Item J

Article 12: WF-Waterfront District

Section 1200 Purpose and Intent, CHANGE Duplex from Permitted Uses to Special Uses;

Section 1201 Uses Permitted by Right, DELETE Item C;

Section 1202 Uses Permitted by Special Land Use Permit, ADD Item I

At this time the Chair shall open the hearing.

City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

Proposed Ordinance Amendment Z10-02: ADDS Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial District

Article 7: Districts, Dimensional Standards Uses Table and Zoning Map

Table 7-2 Uses Permitted by Right and Special Land Use Permit ADD Bed & Breakfast as Special Land Use in the C-2 Neighborhood Commercial District

Article 14: C-2 Neighborhood Commercial District

Section 1400 Purpose and Intent, ADD Bed & Breakfast to Special Uses

Section 1402 Uses Permitted by Special Land Use Permit, ADD Item F Bed and Breakfast

Article 18: Special Uses

Section 1813 Bed and Breakfast, Item B.h Regulations and Conditions, ADD C-2 to 6 sleeping rooms

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

Proposed Ordinance Amendment Z10-03: ADDS Language for Condominiums

Article 2: Definitions

Section 204 C ADD DEFINITION of Common Elements
ADD DEFINITION of Condominium Unit
ADD DEFINITION of Condominium Act
ADD DEFINITION of Condominium Conversion
ADD DEFINITION of Condominium Conversion Plan
AMEND DEFINITION of Condominium
Section 208 G ADD DEFINITION of General Common Elements
Section 213 L ADD DEFINITION of Limited Common Elements
Section 220 S ADD DEFINITION of Site Condominium
ADD DEFINITION of Site Condominium Unit

Article 4: Nonconformities

Section 401 Regulations, ADD Item B

Article 5: General Provisions

Section 514 Vehicular Parking Space, Access and Lighting, AMEND Item F
ADD Section 533 Condominiums

At this time the Chair shall open the hearing.
City Staff shall present the proposed amendment
The hearing will be opened for public comments
The hearing will be closed

Proposed Ordinance Amendment Z10-04: ADDS Medium Site Plan Review

Article 5 General Provisions

Section 515 Accessory Buildings and Structures, Item G.6

Article 22: Site Plan Review

Section 2201 Scope

AMEND Item A Basic Site Plan

ADD Item B Medium Site Plan

AMEND Item C Detailed Site Plan

AMEND Section 2203 Application Procedure

AMEND Item C Basic Site Plan

ADD Item D Medium Site Plan, renumber list

AMEND Item E Detailed Site Plan

Section 2204 Action on Application and Site Plans

AMEND Item A to include Medium Site Plan

AMEND Item change from “shall” to “may”

Section 2208 Amendment to the Site Plan

AMEND to include Medium Site Plan

At this time the Chair shall open the hearing.

City Staff shall present the proposed amendment

The hearing will be opened for public comments

The hearing will be closed

VI New Business

Proposed Ordinance Amendment Z10-01

A Public Hearing was held earlier regarding a Proposed Ordinance Amendment that changes Duplex from a Permitted Use to a Special Use in the R-2 Medium Density Residential District, R-3 High Density Residential District and WF Waterfront Zoning District.

At this time the Planning Commission could take action to recommend to City Council the adoption of the proposed Zoning Amendment Z10-01.

Proposed Ordinance Amendment Z10-02

A Public Hearing was held earlier regarding a Proposed Ordinance Amendment that ADDS Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial District.

At this time the Planning Commission could take action to recommend to City Council the adoption of the proposed Zoning Amendment Z10-02.

Proposed Ordinance Amendment Z10-03

A Public Hearing was held earlier regarding a Proposed Ordinance Amendment that ADDS Language for Condominiums.

At this time the Planning Commission could take action to recommend to City Council the adoption of the proposed Zoning Amendment Z10-03.

Proposed Ordinance Amendment Z10-04

A Public Hearing was held earlier regarding a Proposed Ordinance Amendment that ADDS Medium Site Plan Review to the City of Manistee Zoning Ordinance.

At this time the Planning Commission could take action to recommend to City Council the adoption of the proposed Zoning Amendment Z10-04.

VII Old Business

Draft Ordinance Amendment - Waterfront District

The Planning Commission has been working on a Zoning Amendment for the Waterfront District. Staff has prepared copies requested by the Planning Commission for further discussion.

VIII Public Comments and Communications

At this time the Chair will ask if there are any public comments.

IX Correspondence

At this time the Chair will ask if any correspondence has been received to be read into the record.

X Staff/Sub-Committee Reports

At this time the Chair will ask Staff for their report.

At this time the Chair will ask if any of the Sub-Committees have anything to report.

XI Members Discussion

At this time the Chair will ask members of the Planning Commission if they have any items they want to discuss.

XII Adjournment



PLANNING AND ZONING
COMMUNITY DEVELOPMENT
231.398.2805
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MEMORANDUM

TO: Planning Commissioners
FROM: Denise Blakeslee *DB*
DATE: February 23, 2010
RE: March 4, 2010 Planning Commission Meeting

Commissioners, we have scheduled the Public Hearing for the following Zoning Ordinance Amendments for the February Agenda:

Proposed Ord. Z10-01 - This ordinance would make all duplexes a Special Use.

Proposed Ord. Z10-02 - This ordinance would allow a Bed & Breakfast in the C-2 Neighborhood Commercial District as a Special Use.

Proposed Ord. Z10-03 - This ordinance provides language for Condominiums in the City of Manistee Zoning Ordinance.

Proposed Ord. Z10-04 - This ordinance adds a Medium Site Plan Review in the City of Manistee Zoning Ordinance.

Under Old Business we will continue our discussion on changes to the Waterfront District. There was not a consensus on Shipping Facility and Warehouse, Public.

The first suggestion was to delete them as a use in the district.

The second was to allow them as a Special Use on a Key Street. Review of the ordinance shows that we do not have Special Use Standards for a Shipping Facility. Language would need to be developed for it to be a Special Use. The development of Special Use Standards will require some time and research. If the consensus from the commission is to allow a Shipping Facility as a Special Use we will develop the language.

Meeting packets are enclosed. If you are unable to make the meeting please call or leave a message. See you Thursday.

djb

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

**Article 7: Districts, Dimensional Standards
Uses Table and Zoning Map**

**Table 7-2 Uses Permitted by Right and Special Land Use Permit
CHANGE Duplex from R - Use by Right to
SLU - Use Permitted as Special Land Use
in the R-2, R-3 and WF Districts**

**Article 9: R-2 Medium Density Residential
Section 900 Purpose and Intent**

**CHANGE Duplex from Permitted Uses to Special Uses
Section 901 Uses Permitted by Right**

DELETE Item C

**Section 902 Uses Permitted by Special Land Use Permit
ADD Item H**

**Article 10: R-3 High Density Residential
Section 1000 Purpose and Intent**

**CHANGE Duplex from Permitted Uses to Special Uses
Section 1001 Uses Permitted by Right**

DELETE Item D

**Section 902 Uses Permitted by Special Land Use Permit
ADD Item J**

**Article 12: WF-Waterfront District
Section 1200 Purpose and Intent**

**CHANGE Duplex from Permitted Uses to Special Uses
Section 1201 Uses Permitted by Right**

DELETE Item C

**Section 1202 Uses Permitted by Special Land Use Permit
ADD Item I**

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 7: Districts, Dimensional Standards, Uses Table and Zoning Map Table 7-2 Uses Permitted by Right and Special Land Use Permit** be amended by changing Duplex from R- Use by Right to SLU - Use permitted as Special Land Use in the R-2, R-3 and WF Districts as follows:

Uses	R-1 Low. Densy	R-2 Med. Densy	R-3 Hi. Densy	R-4 Mfg. Hsng	W-F Water- front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3 Central Bus.	L-I Light Industrial	G-I Gen'l Industrial
Duplex	SLU	SLU	SLU	SLU	SLU		SLU	SLU		

2. That **Article 9: R-2 Medium Density Residential Section 900 Purpose and Intent** be amended by **CHANGING** Duplex from Permitted Uses to Special Uses.
3. That **Article 9: R-2 Medium Density Residential Section 901 Uses Permitted by Right** be amended by **DELETING** Item C. Duplex and renumbering remainder of list.
4. That **Article 9: R-2 Medium Density Residential Section 902 Uses Permitted by Special Land Use Permit** be amended by **ADDING** Item H Duplex and renumber remainder of list:

H. Duplex, subject to **Section 1829**

5. That **Article 10: R-3 High Density Residential Section 1000 Purpose and Intent** be amended by **CHANGING** Duplex from Permitted Uses to Special Uses.
6. That **Article 10: R-3 High Density Residential Section 1001 Uses Permitted by Right** be amended by **DELETING** Item D. Duplex and renumbering remainder of list.
7. That **Article 10: R-3 High Density Residential Section 1002 Uses Permitted by Special Land Use Permit** be amended by **ADDING** Item J Duplex and renumber remainder of list:

J. Duplex, subject to **Section 1829**

8. That **Article 12: WF - Waterfront District Section 1200 Purpose and Intent** be amended by **CHANGING** Duplex from Permitted Uses to Special Uses.
9. That **Article 12: Waterfront District Section 1201 Uses Permitted by Right** be amended by **DELETING** Item C. Duplex and renumbering remainder of list:
10. That **Article 12: Waterfront District Section 1202 Uses Permitted by Special Land Use Permit** be amended by **ADDING** Item I Duplex and renumber remainder of list

I. Duplex, subject to **Section 1829**

And make appropriate edits to indexes, tables and chart provisions as necessary

11. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
12. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Illona Haydon, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasurer

Dated

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

Article 7: Districts, Dimensional Standards

Uses Table and Zoning Map

Table 7-2 Uses Permitted by Right and Special Land Use Permit

**ADD Bed & Breakfast as Special Land Use
in the C-2 Neighborhood Commercial District**

Article 14: C-2 Neighborhood Commercial District

Section 1400 Purpose and Intent

ADD Bed & Breakfast to Special Uses

Section 1402 Uses Permitted by Special Land Use Permit

**ADD Item F Bed and Breakfast
and renumber remainder of list**

Article 18: Special Uses

Section 1813 Bed and Breakfast

Item B.h Regulations and Conditions

ADD C-2 to 6 sleeping rooms

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 7: Districts, Dimensional Standards, Uses Table and Zoning Map; Table 7-2 Uses Permitted by Right and Special Land Use Permit** be amended by **ADDING Bed & Breakfast to SLU - Use permitted as Special Land Use in the C-2 Neighborhood Commercial District** as follows:

Uses	R-1 Low Densy	R-2 Med. Densy	R-3 Hi. Densy	R-4 Mfg. Hsng	W-F Water- front	C-1 Reg'l Com.	C-2 Neigh. Bus.	C-3 Central Bus.	L-1 Light Industrial	G-1 Gen'l Industrial
Bed & Breakfast	SLU	SLU	SLU		SLU		SLU	SLU		

2. That **Article 14: C-2 Neighborhood Commercial District; Section 1400 Purpose and Intent** be amended by **ADDING Bed & Breakfast to Special Uses.**

3. That **Article 14: C-2 Neighborhood Commercial District; Section 1400 Uses Permitted by Special Land Use Permit** be amended by **ADDING Item F Bed & Breakfast** and renumber remainder of list.

F. Bed & Breakfast, subject to **Section 1813**

4. That **Article 18: Special Uses; Section 1813 Bed and Breakfast, B Purpose and Intent, Item h** be **AMENDED** as follows:

- h. The number of sleeping rooms rented to transient guests within a Bed and Breakfast Establishment shall not exceed the following standards:

Within the R-1 District:	4 sleeping rooms
Within the R-2, R-3 Districts:	5 sleeping rooms
Within the C-2, C-3 Districts:	6 sleeping rooms

And make appropriate edits to indexes, tables and chart provisions as necessary

5. **CONFLICTING ORDINANCES:** that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.
6. **EFFECTIVE DATE:** This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Illona Hayden, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasurer

Dated

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

Article 2: Definitions

Section 204 C

ADD DEFINITION of Common Elements

ADD DEFINITION of Condominium Unit

ADD DEFINITION of Condominium Act

ADD DEFINITION of Condominium Conversion

ADD DEFINITION of Condominium Conversion Plan

AMEND DEFINITION of Condominium

Section 208 G

ADD DEFINITION of General Common Elements

Section 213 L

ADD DEFINITION of Limited Common Elements

Section 220 S

ADD DEFINITION of Site Condominium

ADD DEFINITION of Site Condominium Unit

Article 4: Nonconformities

Section 401 Regulations

ADD Item B

Article 5: General Provisions

Section 514 Vehicular Parking Space, Access and Lighting

AMEND Item F

ADD Section 533 Condominiums

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 2: Definitions, Section 204 C** be amended by **ADDING** the following:

COMMON ELEMENTS: The portions of the condominium project other than the condominium units.

CONDOMINIUM UNIT: A condominium unit established in compliance with the Condominium Act which consists of a volume of surface or subsurface vacant air space, designed and intended for separate ownership and use as described in the condominium master deed.

CONDOMINIUM ACT: The Michigan Condominium Act, Act 59 of the Public Acts of Michigan of 1978, as amended, or successor legislation.

CONDOMINIUM CONVERSION: A condominium project involving one or more pre-existing buildings and proposed to contain two or more condominium units some or all of which were under single ownership before the filing of a notice to taking reservations under Section 71 of the Condominium Act.

CONDOMINIUM CONVERSION PLAN: The plans, drawings and information prepared for a condominium project as required by Section 66 of the Condominium Act and as required by this ordinance for review and approval of the condominium project.

2. That **Article 2: Definitions, Section 204 C CONDOMINIUM** be amended as follows:

CONDOMINIUM: A building, or group of buildings, or parcel of land, in which dwelling units, offices, or floor area, or land area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

3. That **Article 2: Definitions, Section 208 G** be amended by **ADDING** the following:

GENERAL COMMON ELEMENTS: Components of the grounds, building, or development collectively owned and available for use by all of the co-owners as defined within the master deed.

4. That **Article 2: Definitions, Section 213 L** be amended by **ADDING** the following:

LIMITED COMMON ELEMENTS: A portion of the common elements reserved in the master deed for the exclusive use of less than all of the co-owners.

5. That **Article 2: Definitions, Section 220S** be amended by **ADDING** the following:

SITE CONDOMINIUM: A development in compliance with the Condominium Act containing or designed to contain structures or other improvements and in which each co-owner owns exclusive rights to an area of land or which a structure or structures may be constructed as a site condominium unit.

SITE CONDOMINIUM UNIT: A specific area of land, described in a master deed and established in compliance with the Condominium Act, which is under private ownership and is part of a larger development connected by other site condominium units, limited common elements, and general common elements.

6. That **Article 4: Nonconformities** be amended by **ADDING** to Section 401 Regulations, Item B as follows:

B. Condominium Project. A nonconforming developed or undeveloped parcel shall not be converted to a condominium, except in conformance with this Ordinance.

7. That **Article 5: General Provisions, Section 514 Vehicular Parking Space, Access and Lighting, Item F** be amended as follows:

F. For all permitted uses and special uses in the C-3 District, except hotels and motels, and residential use condominium conversions, the parking provisions of this Section shall not apply.

8. That **Article 5: General Provisions** be amended by **ADDING** Section 533 Condominiums as follows:

SECTION 533 CONDOMINIUMS

A. Purpose. This section further regulates condominiums, whether for residential use or non-residential use.

B. Site Condominium development as defined herein shall be regulated per the standards set fourth in the Subdivision Control Ordinance and the Condominium Act. A condominium unit which is, or which is proposed to be a parcel as defined herein, shall meet the requirements of this ordinance pertaining to lot or parcel area, width, and the required yards.

C. Section 523 A and B shall apply to parcel divisions resulting from condominium development projects.

D. Submittal of a Condominium Plan. A condominium plan shall be submitted for review and approval in accordance with the site plan review and approval process of Section 2200-2209. Such plan shall include the documents and information required by Section 66 of the Condominium Act, and the following information to the extent not included in such Act:

1. The information required for a detailed site plan review under Article 22 of this Ordinance.
2. A narrative describing the overall objectives of the condominium development.
3. Existing building footprint for Condominium Conversion.
4. Area and volume of each proposed condominium unit, including area of living areas.
5. Common elements (including general and limited).
6. Location and dimensions of each building, lot, and total development.
7. The condominium plan shall depict a building envelope around each building so as to

demonstrate compliance with the minimum lot area requirement, the minimum lot width requirement, and the minimum building setback requirements of the district in which the condominium is located.

8. Approval or tentative approval of the proposed design and location of the entrance to the condominium from the City Engineer and/or Michigan Department of Transportation, if applicable.
 9. The use and occupancy restrictions and maintenance provisions for all general and limited common elements that will be included in the master deed.
 10. Such other information as the Planning Commission may reasonably request in their review of the proposed condominium development. Unless requested by the Planning Commission, the proposed master deed and condominium bylaws need not necessarily be submitted with the application.
- E. Standards for Approval. To receive approval, a condominium development plan shall satisfy the following requirements.
1. The plan shall satisfy the standards and requirements for detailed site plan approval pursuant to Article 22 of this Ordinance.
 2. The proposed common elements and maintenance provisions, use and occupancy restrictions, utility systems and streets, project layout and design, or other aspects of the proposed project, shall comply with the Condominium Act and other applicable laws, ordinances or regulations.
 3. Unless modified pursuant to Section 1870 hereof, the condominium development shall comply with all applicable provisions of this Ordinance, including without limitation, density, minimum living area of units, lot coverage, building height, lot area, lot width and yard size requirements with respect to each of the buildings in which the condominium conversion is located.
 4. If a condominium development is proposed to have public streets, the streets shall be paved and developed to the minimum design, construction, inspection, approval, and maintenance requirements for platted public streets as required by the City of Manistee.
 5. The City may require the condominium development to include pedestrian sidewalks at specific locations; street lighting at intersections or otherwise within the street rights-of-way; and greenbelts or other landscaping in order to obscure the view of other types of land uses that may be near or adjacent to the condominium, such as commercial or industrial uses, highways, railroads and the like.
 6. The condominium development shall be connected to public water and public sanitary sewer facilities.
- F. Compliance with City Ordinances: Condominium development shall meet the standards of

the applicable zoning district, as well as all other standards in the City of Manistee Zoning Ordinance, and other applicable Local, State or Federal Laws.

G. Expandable or Convertible Condominium Conversions. Approval of a final condominium conversion plan shall not constitute approval of expandable or convertible portions of a condominium conversion project unless the expandable or convertible areas are specifically reviewed and approved by the Planning Commission in compliance with the procedures, standards and requirements of this section.

H. Review of Condominium Master Deed and Bylaws. An approved condominium plan shall be incorporated by reference in the master deed for the condominium. The Master Deed shall be subject to the approval of the City Attorney, consistent with this section and any conditions of approval of the condominium. A copy of the master deed as recorded with the County Register of Deeds shall be provided to the City.

And make appropriate edits to indexes, tables and chart provisions as necessary

9. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

10. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Illona Haydon, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasurer

Dated

**AN ORDINANCE TO AMEND IN PART
AN ORDINANCE ENTITLED "MANISTEE CITY ZONING ORDINANCE"
WHICH WAS ADOPTED FEBRUARY 21, 2006,**

To Amend the Manistee City Zoning Ordinance

**Article 5 General Provisions
Section 515 Accessory Buildings and Structures
Item G.6**

**Article 22: Site Plan Review
Section 2201 Scope
AMEND Item A Basic Site Plan
ADD Item B Medium Site Plan
AMEND Item C Detailed Site Plan**

**AMEND Section 2203 Application Procedure
AMEND Item C Basic Site Plan
ADD Item D Medium Site Plan, renumber list
AMEND Item E Detailed Site Plan**

**Section 2204 Action on Application and Site Plans
AMEND Item A to include Medium Site Plan
AMEND Item change from "shall" to "may"**

**Section 2208 Amendment to the Site Plan
AMEND to include Medium Site Plan**

THE CITY OF MANISTEE, MANISTEE COUNTY, MICHIGAN, ORDAINS:

1. That **Article 5: General Provisions, Section 515 Accessory Buildings and Structures Item G.6** be amended as follows:
6. A medium site plan shall be required and reviewed by the Site Plan Review Committee per **Section 2201-B**

2. That **Article 22 Site Plan Review, Section 2201 Scope** be amended as follows:

- A. Basic Site Plans shall be required for new single family dwellings; accessory structures and additions to existing single family dwellings; and accessory structures and additions to multiple unit dwellings which do not result in an increase in the number of units. Site plans shall comply with **Section 2203.C**.
- B. Medium Site Plans shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. Site plans shall comply with **Section 2203 D**.
- C. Detailed Site Plans shall be required for all special uses. The site plan shall be subject to Planning Commission review. Detailed site plans shall comply with **Section 2203E**.

3. That **Article 22: Site Plan Review, Section 2203 Application Procedure** be amended as follows:

Request for site plan review shall be made by filing with the Zoning Administrator the required filing fee and escrow, the application form and either a basic, medium or detailed site plan, together with any special studies required. The Zoning Administrator may waive any site plan submittal requirement upon a finding that the required information is not applicable to the site...

4. That **Article 22: Site Plan Review, Section 2203 Application Procedure Item C** be amended as follows:

- C. Basic Site Plan. A basic site plan shall be required for applications involving new single family dwellings, additions to existing single family dwellings and for accessory structures for single or multiple unit dwellings. A basic site plan shall be subject to review only by the Zoning Administrator...

5. That **Article 22: Site Plan Review, Section 2203 Application Procedure** be amended by **ADDING Item D** as follows:

- D. Medium Site Plan. A medium site plan shall be required for all uses other than those that may submit a basic site plan or require a detailed site plan. Additions and alterations to existing structures will be reviewed by the Zoning Administrator who shall reserve the right to forward it to the Site Plan Review Committee for approval. Medium Site Plans for new construction shall be reviewed by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval. A medium site plan shall include six (6) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department. Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or

Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information:

1. A scale drawing of the site and proposed development thereon, including the date, name, address and professional seal of the preparer. In no instance shall the scale of the drawing be greater than one inch equals 20 feet nor less than one inch equals 200 feet. One copy shall be submitted in a photo-reduced form on 17" x 11" paper.
2. The scale of the drawing and north arrow.
3. A vicinity map illustrating the property in relation to the surrounding street system.
4. Topography of the site and its relationship to adjoining land illustrated at 2-foot contours and including an area extending 100 feet from the parcel boundary.
5. Existing man-made features, including buildings, fences, landscaping, parking, screening and the locations, heights and footprint of each.
6. Illustration of all proposed improvements and buildings, fences, landscaping, parking and screening, including location, height, footprint of each.
7. Setback lines and their dimensions.
8. Percentage of land covered by buildings and impervious surfaces and that reserved for open space.
9. Dwelling unit density where pertinent; including a density schedule demonstrating number of each dwelling type, if applicable.
10. Project phasing, if applicable.
11. Location of public and private rights-of-way and easements contiguous to and within the proposed development which are planned to be continued, created, relocated or abandoned, including grades and types of construction of those upon the site.
12. Curb-cuts, driving lanes, parking and loading areas, including the number of parking spaces and parking calculations; vehicular circulation patterns and features, location and size of all parking spaces and the identification of service lanes and parking.
13. Curb-cuts and driveways on adjacent properties.
14. Location and type of drainage, sanitary sewers, storm sewers and other facilities, including surface and subsurface drainage for all impermeable surfaces on the site and all drainage calculations.
15. Existing and proposed water main, sanitary and storm sewer, natural gas, electric, telephone, cable television and other utilities, the proposed location of connections to existing utilities and any proposed extensions thereof.
16. Proposed changes to the topography of the site illustrated at no greater than two (2) foot contours.
17. Soil erosion and sediment control measures which shall include preventative soil erosion devices or measures, both during and after any site work related to the development.
18. Detail on proposed signage including an illustration of all proposed signs, their surface area, height and nature of illumination, in accordance with **Article 21**.
19. A lighting plan in conformance with **Section 525**.
20. A written and illustrated landscape plan prepared in accord with **Section 531** of this Zoning Ordinance.

21. If the parcel is a result of a parcel division undertaken after the adoption of this Ordinance, the site plan shall illustrate all structures and buildings, drawn to scale located on the previously undivided property.
22. Any additional material information necessary to consider the impact of the project upon adjacent properties and the general public as may be requested by the Zoning Administrator or the Planning Commission.
23. Any required approvals, permits, changes or modifications required by any applicable regulatory agency.
24. Special Groundwater Protection. Site Plans for facilities which use or generate hazardous substances in quantities greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) per month or ninety five (95) liters (approximately twenty five (25) gallons) per month, whichever is less; or store greater than one hundred (100) kilograms (approximately two hundred twenty (220) pounds) or ninety five (95) liters (approximately twenty five (25) gallons), whichever is less; shall be subject to the following additional site plan submittal requirements:
 - a. Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling, or disposal of hazardous substances.
 - b. Location of all underground and aboveground storage tanks for such uses as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage, collection of contaminated stormwater or wash water, and all similar uses.
 - c. Location of exterior and interior drains, on-site sewage systems, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 - d. Location of all water wells on the site and within one hundred fifty (150) feet surrounding the parcel's property boundaries.
 - e. Delineation of areas on the parcel which are known or suspected to be contaminated, together with a report on the status of site cleanup.
 - f. Submission of the "Hazardous Substances Reporting Form for Site Plan Review."
 - g. Submission of the "State/County Environmental Permits Checklist."
 - h. If the area covered by the site plan includes territory within a Wellhead Protection Overlay Zone, submit a site plan review report prepared by a Manistee County Groundwater Staff Review Group (c/o Manistee County Planning Department). The site plan review report shall be a written document reporting on a county review of the same site plan prepared for this section. If the area covered by the site plan does not include territory within a Wellhead Protection Overlay Zone, a site plan review report prepared by the Manistee County Groundwater Staff Review Group may be submitted at the option of the applicant or may be required at the option of the Planning Commission or Zoning Administrator.

6. That **Article 22: Site Plan Review, Section 2203 Application Procedure Item E** be amended as follows:

- E. Detailed Site Plan. A detailed site plan shall be required for all Special Uses. Detailed site plan shall include fifteen (15) copies of all required information including any documents rendered in color and a digital PDF of the Site Plan shall be forwarded to the Planning and Zoning Department.

Unless specifically waived by the Zoning Administrator the site plan shall be prepared by an Engineer, Architect, Landscape Architect or Surveyor licensed to work in Michigan and shall include and illustrate at a minimum the following information...

7. That **Article 22: Site Plan Review Section 2204 Action on Application and Site Plans Item A** be amended as follows:

- A. Upon receipt of a submitted application and site plan, the Zoning Administrator shall review the plan to determine its completeness. If the submittal is incomplete, the Zoning Administrator shall provide the applicant with a list of items needed to make the submittal complete.
 - 1. If a basic site plan is found to be complete, the Zoning Administrator shall review the site plan in accordance with **Section 2205** and approve or deny the application accordingly.
 - 2. If a medium site plan is found to be complete, the Zoning Administrator or Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval shall review the site plan in accordance with **Section 2205** and approve or deny the application accordingly.

8. That **Article 22: Site Plan Review, Section 2204 Action on Application and Site Plans, Item F** be amended as follows:

- F. A site plan approved or conditionally approved by the Planning Commission which includes a landscape plan submitted under **Section 531**, may require a performance guarantee pursuant to subparagraph G hereof this Section.

9. That **Article 22: Site Plan Review, Section 2208 Amendment to the Site Plan** be amended as follows:

SECTION 2208 AMENDMENT TO THE SITE PLAN

No changes shall be made to an approved site plan prior to or during construction except upon application to the Zoning Administrator according to the following procedures:

- A. Minor changes to a Basic Site Plan. The Zoning Administrator may approve minor changes to a basic site plan involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas.
- B. Minor changes to a Medium Site Plan. The entity that approved the original plan may approve minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas to a medium site plan.
- C. Minor Changes to a Detailed Site Plan. Minor changes involving changes in the location of buildings and structures, adjustment of utilities, walkways traffic ways, and parking areas and the construction of accessory buildings or additions to primary structures less than seven hundred (700) square feet in area to a Detailed Site Plan can be approved by the Site Plan Review Committee who shall reserve the right to forward it to the Planning Commission for approval.

D. Major Changes to a Basic Site Plan or Medium Site Plan. Major changes to a Basic Site Plan or Medium Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes will result in a new application.

E. Major changes or Amendments to a Detailed Site Plan. Major changes or Amendments to a Detailed Site Plan involving change in the number and location of accesses to public streets and alleys, a reduction in the number of parking spaces, a major relocation of a building, increase in the gross floor area or heights of buildings, a reduction in open space and similar major changes, shall require approval of the Planning Commission, in the same manner as the original application was submitted, reviewed, and approved.

And make appropriate edits to indexes, tables and chart provisions as necessary

10. CONFLICTING ORDINANCES: that any and all ordinances of City of Manistee which may conflict with the provisions of this ordinance as amended, be and are hereby rescinded.

11. EFFECTIVE DATE: This Ordinance shall take effect seven days after publication in the Manistee News Advocate.

Illona Haydon, Mayor

Dated

ATTEST:

Michelle Wright
City Clerk/Deputy Treasurer

Dated

AFFIDAVIT OF PUBLICATION

State of Michigan

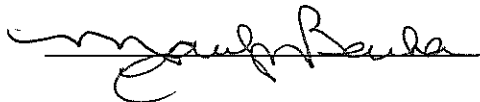
)SS

County of Manistee


Marilyn J. Barker, being duly sworn, deposes and says that he/she is one of the editors, publishers of the Manistee News Advocate, a newspaper printed, published and circulated in said County of Manistee, and that the annexed notice of

NOTICE OF PUBLIC HEARING PROPOSED ZONING
AMENDMENTS was duly

printed and published in said **newspaper** once each week for ONE (1) weeks in succession commencing on the 10th day of FEBRUARY A.D. 2010 and ending on the 10th day of FEBRUARY A.D. 2010



Subscribed and sworn to before me, this 10th
day of FEBRUARY, A.D. 2010



Notary Public Jeanine M. Barber, Manistee County
Acting Manistee County
My Commission Expires March 10, 2012

NOTICE OF PUBLIC HEARING PROPOSED ZONING AMENDMENTS

The Manistee City Planning Commission will hold a Public Hearing for proposed changes to the Zoning Ordinance on Thursday, March 4, 2010 at 7:00 p.m. in the Council Chambers, City Hall, 70 Maple Street, Manistee, Michigan.

Proposed Ordinance Z10-01: Changes Duplex from a Permitted Use to a Special Use in the R-2 Medium Density Residential District, R-3 High Density Residential District and WF Waterfront Zoning District

Proposed Ordinance Z10-02: ADDS Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial District

Proposed Ordinance Z10-03: ADDS Language for Condominiums

Proposed Ordinance Z10-04: ADDS Medium Site Plan Review

List of Proposed Zoning Amendments by Article

ARTICLE 2: DEFINITIONS

Section 204 C ADD DEFINITION of COMMON ELEMENTS

Section 204 C ADD DEFINITION of CONDOMINIUM UNIT

Section 204 C ADD DEFINITION of CONDOMINIUM ACT

Section 204 C ADD DEFINITION of CONDOMINIUM CONVERSION

Section 204 C ADD DEFINITION of CONDOMINIUM CONVERSION PLAN

Section 204 C AMEND DEFINITION of CONDOMINIUM

Section 208 G ADD DEFINITION of GENERAL COMMON ELEMENTS

Section 213 L ADD DEFINITION of LIMITED COMMON ELEMENTS

Section 220 S ADD DEFINITION of SITE CONDOMINIUM

Section 220 S ADD DEFINITION of SITE CONDOMINIUM UNIT

ARTICLE 4: NONCONFORMITIES

Section 401 Regulations, Item B be AMENDED

ARTICLE 5: GENERAL PROVISIONS

Section 514 Vehicular Parking Space, Access and Lighting, Item F be AMENDED

ADD Section 533 Condominiums

Section 515 Accessory Buildings and Structures Item G.6 be AMENDED

ARTICLE 7: DISTRICTS, DIMENSIONAL STANDARDS USE TABLES AND ZONING MAP

Table 7-2 Uses Permitted by Right and Special Land Use Permit CHANGE Duplex from R - Use by Right to SLU - Use Permitted as Special Land Use in the R-2, R-3 and W-F Districts Table 7-2 Uses Permitted by Right and Special Land Use Permit ADD Bed & Breakfast to SLU - Use permitted as Special Land Use in the C-2 District

ARTICLE 9: R-2 MEDIUM DENSITY RESIDENTIAL

Section 900 Purpose and Intent CHANGE Duplex from Permitted Uses to Special Uses

Section 901 Uses Permitted by Right DELETE item C - Duplex

Section 902 Uses Permitted by Special Land Use Permit ADD item H - Duplex

ARTICLE 10: R-3 HIGH DENSITY RESIDENTIAL

Section 1000 Purpose and Intent CHANGE Duplex from Permitted Uses to Special Uses

Section 1001 Uses Permitted by Right DELETE item D - Duplex

Section 1002 Uses Permitted by Special Land Use Permit ADD item J - Duplex

ARTICLE 12: WATERFRONT DISTRICT

Section 1200 Purpose and Intent CHANGE Duplex from Permitted Uses to Special Uses

Zoning Ordinance Amendments

March 4, 2010

What is a Zoning Ordinance?

- A Zoning Ordinance is a document that regulates the use of land within a municipality
- The Zoning Ordinance was adopted by City Council on February 21, 2006; effective on March 27, 2006

Amendments

- A Zoning Ordinance is a "living document" that is changed "Amended" as needs arise
- It is not uncommon when a new Ordinance is Adopted for there to be corrections and modifications to the ordinance

Previous Changes

- 23 Amendments made to the Ordinance in 2007
- 7 Amendments made to the Ordinance in 2008

How do you Amend an Ordinance?

- The Ordinance is reviewed by Staff, the Ordinance Review Committee or the PC
- Language is drafted
- PC discusses the proposed Amendment
- Amendment is reviewed by the Planning Consultant
- The PC schedules a Public Hearing

Why a Public Hearing?

- The Michigan Zoning Enabling Act requires a Public Hearing for amendments to the Zoning Ordinance
- Notice of the Public Hearing is placed in the Newspaper more than 15 days prior to the hearing

Copies for review

- Copies of the Proposed Amendment were available for review at:
 - City Hall
 - Manistee County Library
 - Posted on the City of Manistee Web Page www.ci.manistee.mi.us

Comments

- Public Comments are requested
- Public can respond in writing
- Public is invited to attend Public Hearing

Deliberations

- After the Public Hearing the PC discuss the proposed changes
- If the PC determines the Amendment is appropriate a Motion of recommendation to City Council is made

City Council

- City Council Ordinance Review Committee and City Attorney reviews proposed Amendment
- City Council Considers Amendment at a Council Meeting
- Adoption or denial takes place at the following meeting

If Approved

- City Clerk places notice in the newspaper that City Council adopted the Ordinance Amendment
- Ordinance takes effect 10 days after adoption

Proposed Amendments

March 4, 2010

Proposed Ord. Z10-01

- Changes Duplex from a Permitted Use to a Special Use
 - in the R-2 Medium Density Residential
 - In the R-3 High Density Residential
 - In the W-F Waterfront District

Why Change?

- Eliminates confusion
 - Table of uses or list of permitted uses did not indicate that parcels with Duplexes have to meet stricter standards
- Over past year
 - Several occurrences of Single Family homes or abandoned uses being converted into a Duplex that does not meet the standards

District Regulations

Minimum Lot Area		Minimum Lot Width	
Single Unit	6,000 sq. ft.	60 ft.	
Duplex	10,000 sq. ft.	80 ft.	
Parking Requirements			
Single Unit	2 off street spaces/Hard Surface		
Duplex	4 off street spaces/Hard Surface		

Table of Uses Current Duplex

Permitted Use	Special Use
R-2 – Med Density Res	R-1 – Low Density Res
R-3 – High Density Res	R-4 – Mfg Housing
W-F - Waterfront	C-2 – Neighborhood Com
	C-3 – Central Bus Dist

Table of Uses – Proposed Duplex

Permitted Use	Special Use
	R-1 – Low Density Res
	R-2 – Med Density Res
	R-3 – High Density Res
	R-4 – Mfg Housing
	W-F - Waterfront
	C-2 – Neighborhood Com
	C-3 – Central Bus Dist

Public Comment

Proposed Amendment
Z10-01

Proposed Ord. Z10-02

- Allows a Bed & Breakfast as a Special Use in the C-2 Neighborhood Commercial District
- PC discussed determined it was inadvertently omitted as a Use in the C-2 Neighborhood Commercial District when Ordinance was rewritten

Table of Uses – Current Bed & Breakfast

Permitted Use	Special Use
	R-1 – Low Density Res
	R-2 – Med Density Res
	R-3 – High Density Res
	W-F - Waterfront
	C-3 – Central Bus Dist

Table of Uses – Proposed Bed & Breakfast

Permitted Use

Special Use

- R-1 – Low Density Res
- R-2 – Med Density Res
- R-3 – High Density Res
- W-F – Waterfront

C-2 – Neigh Com

- C-3 – Central Bus Dist

Public Comment

Proposed Amendment
Z10-02

Proposed Ord. Z10-03

Provides language in the Ordinance for
Condominiums.

Language was developed by the Planner of
Record

Changes Include

Definitions

- Common Elements
- Condominium Unit
- Condominium Act
- Condominium Conversion
- Condominium Conversion Plan
- Condominium (Amend)
- General Common Elements
- Limited Common elements
- Site Condominium
- Site Condominium Unit

Non-Conformities

- Add Item B to Regulations

General Provisions

- Section 514 Amend Item F
- Vehicular Parking Space, Access and Lighting

- Add Section 533
- Condominiums

Public Comments

Proposed Amendment
Z10-03

Proposed Ord. Z10-04

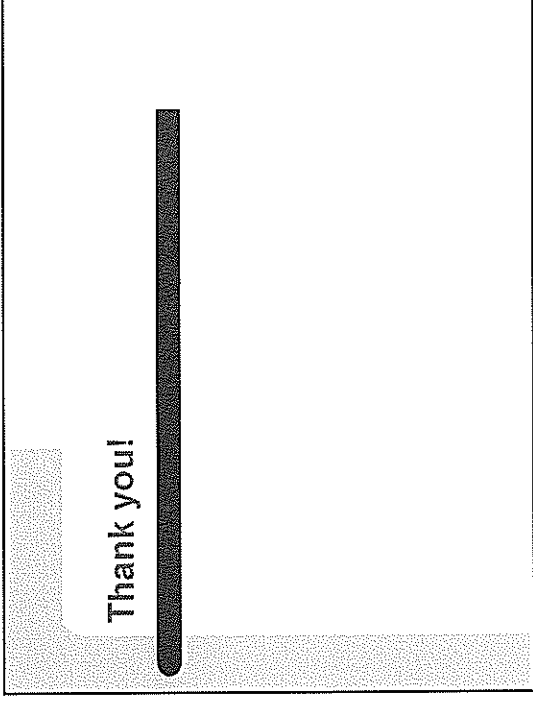
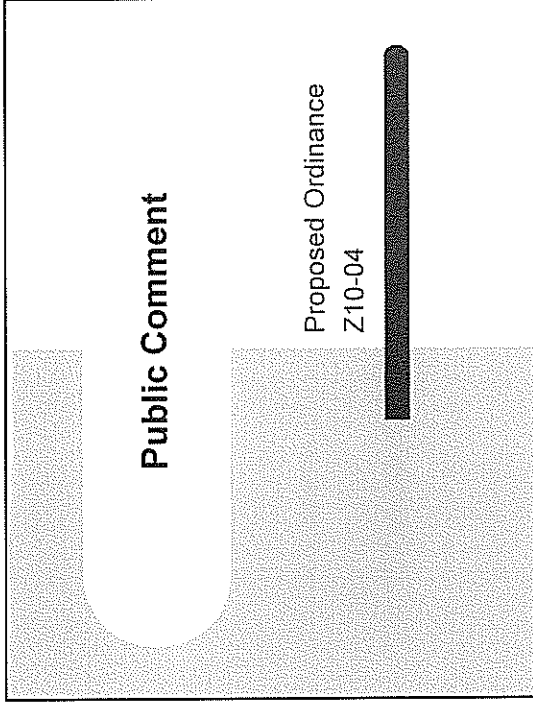
- Adds Medium Site Plan Review Standards
- Currently a Basic Site Plan is used for all Residential Uses
- Currently a Detailed Site Plan is used for all Commercial Uses and Special Uses

Why Amend?

- Previous Ordinance included a Medium Site Plan
- Addition of a Medium Site Plan allows the Zoning Administrator or Site Plan Review Committee to review Commercial Uses (Not Special Uses)
- Streamlines application process and does not require to wait till a Planning Commission Meeting is Scheduled

Option to forward to PC

- The language allows the Site Plan Review Committee the option to refer the request to the Planning Commission if they feel it is necessary
- All Special Use Permits require a Public Hearing and Detailed Site Plan. They will continue to be reviewed by the Planning Commission



ARTICLE TWELVE W-F -- WATERFRONT DISTRICT

SECTION 1200 PURPOSE AND INTENT

It is the intent of this District to establish a mixed-use district incorporating a variety of recreational, residential, business or service uses on or near the Waterfront. This district is intended to encourage and promote sustainable, environmentally and aesthetically compatible developments that use or compliment the shoreline while promoting expanded use of the shoreline by the public. The W-F District is intended to host a variety of land uses including, but not limited to, residential, commercial, entertainment and recreational, and service uses. ~~and industrial uses.~~

[Annotation: The Language "Waterfront" was added, while the Language "Manistee Lake shoreline" was deleted by amendment 08-05, effective 2/29/08]

PERMITTED USES

- ◆ Accessory building with footprint less than or equal to the footprint of the principal structure
- ◆ Accessory use to uses permitted by right.
- ◆ Duplex
- ◆ Dwelling, Single unit
- ◆ Gallery or Museum
- ◆ Home Occupation, Minor subject to Section 1847, B, 1
- ◆ Outdoor Recreation, Park
- ◆ Personal Service Establishment
- ~~◆ Places of Public Assembly, Small~~
- ◆ Professional Office
- ◆ Professional Service Establishment
- ◆ Retail Business
- ~~◆ Shipping Facility~~
- ◆ Subdivision, and condominium subdivision consisting of permitted uses, clustered or traditional subject to the Subdivision Control Ordinance.
- ◆ Uses similar to uses permitted by right, subject to Section 530.

SPECIAL USES

- ◆ Accessory building with footprint greater than the footprint of the principal structure
- ◆ Accessory uses to a permitted special use

SPECIAL USES (CONT'D)

- ◆ Adaptive Reuse
- ~~◆ Assembly Operation~~
- ◆ Bed & Breakfast
- ~~◆ Communication Tower~~
- ◆ Convenience Store, w/o fuel pumps
- ◆ Day Care, Commercial and Group
- ◆ Dwelling - Multiple unit
- ◆ Eating and Drinking Establishment
- ◆ Home Based Business
- ◆ Home Occupation, Major
- ◆ Hotels
- ◆ Marina
- ◆ Mixed-Use Development
- ◆ Parking Facility, Public
- ◆ Places of Public Assembly, Small
- ◆ Planned Unit Development
- ◆ Studio for performing and graphic arts
- ◆ Uses similar to permitted special use
- ~~◆ Warehouse, Public~~

*Special Use Requires Key Street Frontage

- ◆ Financial Institution *
- ◆ Motels *
- ◆ Places of Public Assembly, Large *
- ◆ Sports and Recreation Club *
- ◆ Theater *
- ◆ Shipping Facility*
- ◆ Warehouse, Public*

Denise Blakeslee

From: Jeff Mikula [jmikula@abonmarche.com]
Sent: Tuesday, February 23, 2010 3:18 PM
To: Denise Blakeslee
Subject: RE: Manistee Lake

There appears to be sufficient water depth until you reach Joslin Cove.

Jeffrey W. Mikula
Vice President
Abonmarche
T 231.723.1198 ext. 11
C 231.794.0551
F 231.723.1194
E jmikula@abonmarche.com
W www.abonmarche.com

From: Denise Blakeslee [mailto:dblakeslee@ci.manistee.mi.us]
Sent: Monday, February 22, 2010 4:20 PM
To: Jeff Mikula
Subject: Manistee Lake

Jeff-
The Planning Commission is working on amending the Zoning in the WF Waterfront district. One item that will be either deleted as a use or permitted only as a Special Use on a key Street (U.S.31) would be a shipping facility.

Since a shipping facility requires a deep water port for the ships...my question is – Does the Waterfront property (From U.S. 31 Bridge north to the City Limits) have enough depth for a shipping facility? i.e. consumers property.

With the work you did at Arthur Street Marina I hoped you may have some water depth info.

Let me know if you have anything...thank you in advance for your help!!

Denise

Denise Blakeslee
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